

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

RYAN BRADLEY SHIELD,	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. 4:07-CV-393-Y
	§	
NATHANIEL QUARTERMAN,	§	
Director, T.D.C.J.	§	
Correctional Institutions Div.,	§	
Respondent.	§	

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

Before the Court is the petition for writ of habeas corpus under 28 U.S.C. § 2254 of petitioner Ryan Bradley Shield, along with the September 26, 2007, findings, conclusions, and recommendation of the United States magistrate judge. The magistrate judge gave the parties until October 17 to file written objections to the findings, conclusions, and recommendation. As of the date of this order, no written objections have been filed.

The Court has reviewed the pleadings and the record in this case, and has reviewed for clear error the proposed findings, conclusions and recommendation of the United States magistrate judge filed on September 26, 2007. The Court concludes that the petition for writ of habeas corpus should be dismissed for the reasons stated in the magistrate judge's findings and conclusions.

Therefore, the findings, conclusions and recommendation of the magistrate judge are ADOPTED.

Respondent Quarterman's August 9, 2007, motion to dismiss [docket no. 11] is GRANTED.

Ryan Bradley Shield's petition for writ of habeas corpus under 28 U.S.C. § 2254 is DISMISSED WITHOUT PREJUDICE to its being refiled, except as to any application of the federal statute of

limitations or other federal procedural bar that may apply.<sup>1</sup>

SIGNED October 25, 2007.

A handwritten signature in black ink, reading "Terry R. Means". The signature is written in a cursive style with a horizontal line underneath it.

TERRY R. MEANS

UNITED STATES DISTRICT JUDGE

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<sup>1</sup>A one-year statute of limitations is now applicable to the filing of non-capital § 2254 habeas corpus petitions in federal court. See 28 U.S.C.A. § 2244(d)(1-4)(West 2006). The statute of limitations is tolled, however, while a properly filed application for state post-conviction or other collateral review is pending. 28 U.S.C.A. § 2244(d)(2)(West 2006).